

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

CHARLES EDWARD TURNER, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
                                )  
v.                             ) Case No. 7:16-cv-01596-MHH-SGC  
                                )  
                                )  
JASON MARTIN, et al.,     )  
                                )  
                                )  
Defendants.                 )

**MEMORANDUM OPINION**

On August 14, 2017, the magistrate judge, pursuant to 28 U.S.C. § 1915A(b)(1), entered a report in which she recommended that the Court dismiss without prejudice plaintiff Charles Edward Turner's claims for failing to state a claim upon which relief can be granted. (Doc. 8). The magistrate judge advised Mr. Turner of his right to file specific written objections to the recommendation. (Doc. 8, p. 10). To date, Mr. Turner has not filed objections to the magistrate judge's report and recommendation.<sup>1</sup>

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<sup>1</sup> The Clerk of Court mailed a copy of the magistrate judge's August 14, 2017 report and recommendation to Mr. Turner at the St. Clair Correctional Facility address that Mr. Turner provided to the Court in his July 16, 2017 notice of change of address. (August 14, 2017 staff entry; *see also* Doc. 7). The postal service did not return the mail as undeliverable. Therefore, it appears that Mr. Turner received a copy of the report and recommendation. On September 22, 2017 and October 2, 2017, the Clerk of Court docketed notices of change of address in which Mr. Turner provided a residential address. (Doc. 9; Doc. 10). On October 30, 2017, the Court received a letter from Mr. Turner. (Doc. 11). The subject line of the letter states: "Requesting extension." (Doc. 11). In the letter, Mr. Turner explained that he received the magistrate judge's notice of right to object to the report and recommendation, but Mr. Turner was unable to respond because of health issues. (Doc. 11). Mr. Turner stated that he was "willing now to answer the court. . ." (Doc. 11). On November 2, 2017, the Court entered an order in which it construed Mr. Turner's letter as a motion for an extension of time to file objections. (Doc. 12). The Court gave Mr. Turner an additional 14 days to file objections to the magistrate judge's report and recommendation. (Doc. 12). The Clerk of Court mailed a copy of the Court's November 2,

A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report de novo and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).<sup>2</sup>

The Court finds no misstatements of law in the report and no plain error in the magistrate judge’s description of the relevant factual allegations in Mr. Turner’s complaint. Therefore, the Court adopts the magistrate judge’s report and accepts her recommendation.

The Court will enter a separate final judgment dismissing this action without prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

**DONE** and **ORDERED** this December 7, 2017.



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MADELINE HUGHES HAIKALA  
UNITED STATES DISTRICT JUDGE

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2017 order to Mr. Turner (*see* November 2, 2017 staff note), and the postal service has not returned to the Court Mr. Turner’s copy of the order. More than 14 days have passed since the Court entered the order on November 2, 2017, and Mr. Turner has not filed objections to the report and recommendation or otherwise communicated with the Court.

<sup>2</sup> When a party objects to a report in which a magistrate judge recommends dismissal of a claim, a district court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. §§ 636(b)(1)(B)-(C).